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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,340	04/10/2001	Ilya Schiller	11627-004001	9977

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FISH & RICHARDSON PC
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BOSTON, MA 02110

EXAMINER

LE, BRIAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,340

Applicant(s)

SCHILLER ET AL.

Examiner

Brian Q Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) ____ is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) 1-36 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

RESTRICTION

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-10 and 12-13, drawn to a method that receive and process handwriting data classified in class 382, subclass 187.
 - II. Claims 14-17, drawn to a method that capture handwriting of a name of an addressee of a message as handwriting data representing motion and linking names with corresponding addresses, classified in class 382, subclass 119.
 - III. Claim 18, drawn to a method wherein the handwriting data for each of the devices being formatted according to display capabilities for the remote user device, classified in class 345, subclass 169.
 - IV. Claims 19-27, drawn to a method that verify the signature based on handwriting data associated with the user and authentication, classified in class 382, subclass 123.
 - V. Claims 28-30, drawn to a method wherein receiving instructions indicating visible qualities to be associated with respective portions of the handwriting classified in class 382, subclass 189.
 - VI. Claim 31, drawn to a method wherein associating unique identifiers with respective electronic handwriting devices and registered unique identifiers of respective users classified in class 345, subclass 17.
 - VII. Claims 11 and 32-36, drawn to an apparatus wherein a tracking facility configured to track handwriting motion of a stylus on a surface in a

vicinity of the mobile electronic device and housing classified in class 345, subclass 181.

2. Inventions I-VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has method that receive and process handwriting data. Invention II has method that capture handwriting of a name of an addressee of a message as handwriting data representing motion and linking names with corresponding addresses. Invention III has the handwriting data for each of the devices being formatted according to display capabilities for the remote user device. Invention IV has method that verifies the signature based on handwriting data associated with the user and authentication. Invention V has method wherein receiving instructions indicating visible qualities to be associated with respective portions of the handwriting. Invention VI has method wherein associating unique identifiers with respective electronic handwriting devices and registered unique identifiers of respective users. Invention VII has an apparatus wherein a tracking facility configured to track handwriting motion of a stylus on a surface in a vicinity of the mobile electronic device and housing. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q Le whose telephone number is 703-305-5083.

The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5397 for regular communications and 703-308-5397 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC Customer Service whose telephone number is 703-306-0377.

BL

September 9, 2004



**SAMIR AHMED
PRIMARY EXAMINER**